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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

BRANDON KOTANIEMI, individually and  
as special co-administrator of the Estate of  
MARSHA KOTANIEMI; STEVEN  
KOTANIEMI, individually and as special co-  
administrator of the Estate of MARSHA  
KOTANIEMI,

Plaintiff,

vs.

BRIAN C. WARD, MD, an individual in his  
official capacity; STEPHANIE MARTINEZ,  
MD, an individual in her official capacity;  
EMILY TIBBITS, MD, an individual; LISA  
ANGOTTI, MD an individual; STATE OF  
NEVADA ex rel THE BOARD OF  
REGENTS OF THE NEVADA SYSTEM  
OF HIGHER EDUCATION ex rel THE  
UNIVERSITY OF NEVADA, LAS VEGAS,  
a political subdivision; DOE INDIVIDUALS  
I-X, inclusive; and ROE CORPORATIONS  
I-X, inclusive,

Defendants.

Case No. 25-cv-00540

**Notice of Removal**

Pursuant to 28 U.S.C. §§ 1442(a), 1446, and 2679(d)(2), the United States of America,  
for itself and on behalf of defendants Emily Tibbits, MD, an individual, and Lisa Angotti,

MD, an individual, (collectively “Federal Defendants”) file this Notice of Removal of the above-captioned action to the United States District Court for the District of Nevada. The grounds for removal are set forth below.

On or about February 4, 2025, Plaintiffs commenced this action in the Eighth Judicial District Court, Clark County, Nevada as Case No. A-25-911713-C, alleging medical malpractice against the named defendants, including Federal Defendants. Federal Defendants are members of the Air Force who were acting within the scope of federal employment pursuant to 28 U.S. C. § 2679 at the time of the events alleged in the complaint.

Federal district courts have exclusive jurisdiction for tort claims arising under the Federal Tort Claims Act from the negligent or wrongful acts or omissions of federal employees acting within the scope of their employment or office. *See* 28 U.S.C. § 1346(b)(1).

This action is being removed to the United States District Court pursuant to 28 U.S.C. § 1442(a)(1), (3), which provides, in pertinent part:

(a) A civil action or criminal prosecution commenced in a State court and that is against any of the following may be removed by them to the district court of the United States for the district and division embracing the place wherein it is pending:

(1) The United States or any agency thereof or any officer (or any person acting under that officer) of the United States or of any agency thereof, in an official or individual capacity, for or relating to any act under color of such office or on account of any right, title or authority claimed under any Act of Congress for the apprehension or punishment of criminals or the collection of the revenue.

(3) Any officer of the courts of the United States, for or relating to any act under color of office or in the performance of his duties.

Section 1442(a)(1) provides for a “broad” grant of removal jurisdiction; it is not given a “narrow, grudging interpretation.” *Nationwide Investors v. Miller*, 793 F.2d 1044, 1046 (9th Cir. 1986) (citing *Willingham v. Morgan*, 395 U.S. 402, 407 (1969)). Under Section 1442(a)(1), federal court jurisdiction need not even be apparent from the face of the complaint. *See Jefferson County v. Acker*, 527 U.S. 423 (1999); *Mesa v. California*, 489 U.S. 121 (1989). The long-standing purpose of this removal statute is to ensure a federal forum in any case where a federal official is entitled to raise a defense arising out of his official duties.

1 *Swett v. Schenk*, 792 F.2d 1447, 1450 (9th Cir. 1986) (quoting *Arizona v. Manypenny*, 451 U.S.  
2 232, 241 (1981)).

3 Plaintiffs have commenced this action “against” Federal Defendants, employees of  
4 the United States of the United States within the meaning of 28 U.S.C. § 1442(a)(1),(3).<sup>1</sup>

5 Attached hereto as Exhibits A and B, are copies of the complaint and the docket  
6 sheet showing other filings thus far in the state court. These removing Federal Defendants  
7 have defenses and immunities that they are entitled to raise in a federal forum.

8 Plaintiffs have not effected service of process on these removing federal employees in  
9 accordance with applicable rules. *See* Nev. R. Civ. P. 4.3(a)(5) (“Service upon the United  
10 States and its agencies, corporations, officers, or employees may be made as provided by  
11 Rule 4 of the Federal Rules of Civil Procedure.”); Fed. R. Civ. P. 4(i)(1), (2), (3)  
12 (requirements for service on United States and its employees/officials); Fed. R. Civ. P.  
13 12(a)(2), (3) (each federal defendant’s response to a complaint is due 60 days after service on  
14 the U.S. Attorney of process directed to each such defendant). These removing federal  
15 employees do not, through this removal, waive any defenses including without limitation  
16 lack of service of process.

17 WHEREFORE, these removing Federal Defendants give notice that the above-  
18 captioned action has been removed from the Eighth Judicial District Court, Clark County,  
19 Nevada to the United States District Court for the District of Nevada.

20 Respectfully submitted this 24<sup>th</sup> day of March 2025.

21 SUE FAHAMI  
22 Acting United States Attorney

23 /s/ Karissa D. Neff  
24 KARISSA D. NEFF  
25 Assistant United States Attorney  
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27 <sup>1</sup> Plaintiffs have named as defendants officers and/or employees of the United States who  
28 have not been served with process and/or they have pending with the Department of Justice  
requests for representation.

**Certificate of Service**

I, Cortney Bivens, hereby certify that on March 24, 2025, I electronically filed and served the foregoing Notice of Removal with the Clerk of the Court for the United States District Court for the District of Nevada using the CM/ECF system and via US Mail to the address below.

**US Mail**

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*Attorneys for Plaintiffs*

/s/ Cortney Bivens  
Paralegal